

more definite terms or phrases. Claims 13, 14 and 15 have not been amended to include the term "step" because it is not needed for these claims to be definite. The producing operation recited in claim 11 is not a step it is an operation. Based on the foregoing, it is respectfully requested that Examiner withdraw the rejection under the second paragraph of 35 USC 112.

### **REJECTION OF CLAIMS 1-20 UNDER 35 USC 103**

In the Office Action, the Examiner rejected claims 1-20 under 35 USC 103 as being unpatentable over Takeda (5,469,561) in view of Chen et al. (5,422,806) and Watts, Jr. et al. (US Patent 5,218,704). This rejection is fully traversed below.

The purpose of Takeda is to control a bus cycle running time to provide compatibility of CPUs and memory devices with lower speed I/O devices. Takeda provides compatibility (matching of bus speeds) by controlling the frequency of the clock signal supplied to the CPUs. An alternative embodiment controls the frequency of the clock signal supplied to the CPU based on line voltage and/or ambient temperature (Fig. 14(A) and (c)) still however for I/O access reasons.

In contrast, on a general level, the claimed invention concerns the altering of the frequency of a clock signal to a microprocessor so as to avert overheating of the microprocessor. Many of the claims also recite monitoring the temperature of the microprocessor itself. Takeda fails

to teach or suggest either the altering of the frequency of the clock signal supplied to a microprocessor for the purpose of averting overheating or the monitoring of the temperature of the microprocessor.

In an attempt to overcome the deficiencies of Takeda, the Examiner combines Takeda with Chen et al. and Watts, Jr. et al. However, these references fail to make up the deficiencies of Takeda. Chen et al. describes a complicated modeling technique for modeling temperature of a microprocessor. The model is previously determined so that the temperature of a microprocessor is automatically tracked and adjusted. However, the approach described in Chen et al. is advantageous because "temperature measurements are not needed or made" (Chen et al., col. 2, lines 39-42). Hence, Chen et al. For the most part teaches against measuring processor temperature. Watts, Jr. et al. fares no better as this reference teaches nothing about either monitoring microprocessor temperature or altering of the frequency of the clock signal supplied to a microprocessor for the purpose of averting overheating, despite its teachings of monitoring CPU activity.

Takeda together with Chen et al. and Watts, Jr. et al. fails to teach or suggest the features of the claimed invention. Therefore, even if the references are combined, the Examiner's rejection is deficient.

Moreover, there is nothing of record which would lead one of ordinary skill in the art to combine the references as the Examiner proposes. Takeda concerns I/O bus

compatibility, Chen et al. concerns modeling, not measuring, the temperature of a microprocessor, and Watts, Jr. et al. Concerns putting a processor to sleep when there is no activity. Due to the disparate purposes and teaching of these references, it is submitted that it would not have been obvious to combine these references as the Examiner as done. Hence, the Examiner's rejection is also defective for this reason.

The Examiner has not addressed any additional features of the claims, particularly those recited in dependent claims. Applicants do not individually argue these features at this time because all claims should be allowable for the above reasons and because the Examiner has not met his burden in rejecting these claims.

Yet another reason why the Examiner's rejection is defective is that Applicants can and do swear behind the filing date (March 15, 1994) of Chen et al., thus eliminating Chen et al. as a valid reference. Attached hereto is a Declaration under 37 CFR 1.131 to swear behind the filing date of Chen et al.

Therefore, for the foregoing reasons, it is submitted that the claimed invention is patentable over Takeda alone or in view of Chen et al. and Watts, Jr. et al. It is respectfully requested that the Examiner withdraw the rejection under 35 USC 103.

#### **OTHER CITED REFERENCE**

The Examiner also cited on PTO Form-892 Vail, U.S. Patent No. 4,448,543, but did not use this reference to reject the claims. As implied by the fact that this reference was not used to reject the claims, this additional reference does not teach or suggest the features of Applicants' claimed invention. Thus, it is submitted that all claims are patentably distinct for this additional reference.

#### **SUMMARY**

It is submitted that claims 1-16 and 18-35 are definite and particularly point out and distinctly claim the subject matter regarded as the invention. In addition, it is submitted that the cited references, alone or in any combination, do not teach or suggest the features of the claimed invention. Therefore, it is submitted that claims 1-16 and 18-35 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is

Respectfully submitted,

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